

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Charles A. Heidel, Sr.	:	Bky. No.: 20-13804-AMC
	:	
	:	
Debtor	:	Chapter 13

**DEBTOR'S ANSWER IN OPPOSITION TO THE MOTION FOR RELIEF FROM
STAY FILED BY MONTGOMERY COUNTY TAX CLAIM BUREAU**

The Debtor herein, Charles A. Heidel, Sr., by and through his counsel, hereby answers the Motion for Relief from the Automatic Stay filed by Montgomery County Tax Claim Bureau ("MCTCB") as follows:

1. Admitted.
2. Admitted.
3. Admitted in part; Denied in part. It is admitted that MCTCB has requested relief pursuant to the sections as indicated. It is denied that relief is warranted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied. The Debtor states that he never gave his prior attorney authorization to file a case in 2016. The Debtor states that the alleged 2016 case is not his third case. Upon review of the docket, the case was dismissed because the Debtor did not complete a credit counseling course for that case. That is entirely consistent and proof that the Debtor did not file the 2016 case.
8. Admitted in part; Denied in part. It is admitted that the Debtor filed the instant case. As stated, in paragraph 7, the instant case is the third, not fourth case of this Debtor, and is the first case in five years.
9. Admitted in part; Denied in part. It is admitted that an Exhibit is provided. It is denied that the excessive interest and costs are appropriate. MCTCB should be helping homeowners make a home affordable; MCTCB should eliminate excessive interest and fees.

10. Admitted in part; Denied in part. It is admitted that there is a tax lien. It is denied that the excessive interest and costs are appropriate. MCTCB should be helping homeowners make a home affordable; MCTCB should eliminate excessive interest and fees.

11. Admitted.

12. Denied. The last bankruptcy case (second case) was filed in 2015. The instant case, filed five years later, is in furtherance of the Debtor saving his home. Honestly, it is surprising that MCTCB would file this motion so quickly in the first case filed in several years, rather than trying to help Mr. Heidel save his home.

13. through 35. Denied. The averments are denied as the entire section, LEGAL ARGUMENT, are legal conclusions to which no responses are required. By way of further answer, while the law provides for relief in certain situations, there is no cause for relief in the instant case. This is only a third case, and the first case in many years. There is nothing to indicate any bad faith of the Debtor. This case has just begun, and the Debtor has already made his first plan payment in a plan that is confirmable and resolves all issues. The focus should be of fostering a policy of homeowners saving homes, and taxing authorities exploring all settlement options, rather than only seeking a tax sale. MCTCB should not charge excessive fees and interest simply because they aver that there is a statutory basis to do so. Perhaps, upon review, MCTCB will decide to help, and reduce its claims for homeowners, like Mr. Heidel.

WHEREFORE, the Debtor respectfully requests that the Court deny the relief requested in the Motion, and for such other and further relief as is just.

Respectfully submitted,

Signed: /s/Eugene A. Camposano
Eugene A. Camposano, Esquire
Attorney for Debtor

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CERTIFICATION OF SERVICE

I, Eugene A. Camposano, hereby certify that the foregoing Debtor's Answer in Opposition to the Motion for Relief of Montgomery County Tax Claim Bureau was served via the Court's CM/ECF system and/or First Class Mail on October 22, 2020 on the following:

Michael D. Vagnoni, Esquire
Obermayer Rebmann Maxwell & Hippel, LLP
1500 Market Street, Suite 3400
Philadelphia, PA 19102

Office of the United States Trustee

William C. Miller, Chapter 13 Trustee

Respectfully submitted,

Signed: /s/Eugene A. Camposano
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